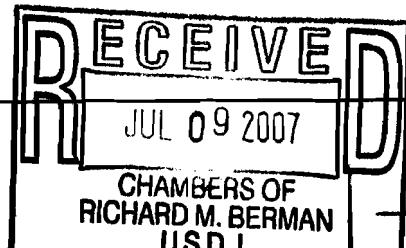




United States Attorney
Southern District of New York



MEMO ENDORSED

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 6, 2007

*Application granted
on consent*

SO ORDERED

Date: 7/10/07

Richard M. Berman

Richard M. Berman, U.S.D.J.

BY HAND

Hon. Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

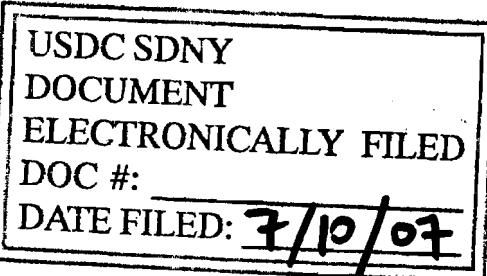
Re: United States v. Jeffrey Musumeci
07 Cr. 402 (RMB)

Dear Judge Berman:

At the initial pre-trial conference on this matter on May 14, 2007, the Court instructed the parties to submit any motions *in limine* by today.

On June 29, 2007, the Government sent its proposed jury instructions to defense counsel by Federal Express. Today, the defendant's counsel indicated that he intends to submit a request to charge the jury on entrapment and may pursue that defense at trial.

The Government does not believe an entrapment charge is warranted by the evidence, however, and would like the opportunity to move *in limine* to preclude it. Although the deadline to submit motions *in limine* is today, the Government respectfully requests the opportunity to respond to defendant's proposed charge. Consistent with the time allotted in the Court's prior briefing schedule, the Government proposes to submit its motion *in limine* next Friday, July 13, 2007, and that any response be due on Friday, July 20, 2007.



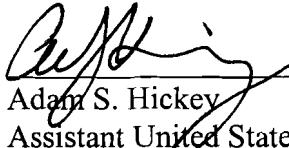
Hon. Richard M. Berman
July 6, 2007
Page 2 of 2

I have conferred with counsel for the defendant, and he has consented to this request.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By:


Adam S. Hickey
Assistant United States Attorney
Tel.: (212) 637-1039

cc: Michael L. Soshnick, Esq. (by facsimile)